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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andy H. Levine, David A. Melanson, and John C. Meade  
Application No.: 10/726,011 Group: 3738  
Filed: December 2, 2003 Examiner: Alvin J. Stewart  
Confirmation No.: 2628  
For: ANTI-OBESITY DEVICES

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| CERTIFICATE OF MAILING OR TRANSMISSION  |                            |
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REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement dated October 5, 2005, the claims of Group I (Claims 1-16) drawn to a delivery system are elected for prosecution. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

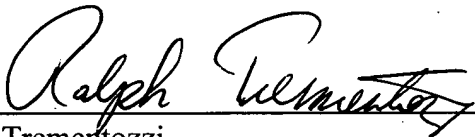
Responsive to the further requirement for an election of species, Applicants hereby elect Species II, referring to Figs. 42A-42B and 43 as the species. Claims that cover the elected species are claims 1-16.

Responsive to the further requirement for an election of sub-species, Applicants hereby elect Sub-species A, referring to Fig. 46 as the sub-species. Claims that cover the elected sub-species are claims 1-6, 9, and 14-16.

Responsive to the further requirement for a further election of sub-species, Applicants hereby elect Sub-species a, referring to Figs. 30-32. Although claims 1-16 are not readable on the elected sub-species, the elected claims do cover a device that could be used in combination with elected sub-species a. The elected Sub-species a is drawn to a gastrointestinal implant; whereas, the elected claims of Group I are drawn to a delivery device. Applicants reserve the right to amend or add claims that are readable on elected Sub-species a.

Respectfully submitted,

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Dated: 11/1/2005